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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,542	07/20/2004	Ming-Chien Chiu		4541

43995 7590 12/20/2005

GUDENG PRECISION INDUSTRIAL CO., LTD.  
2F-4, NO. 148, SEC. 4, CHUNG HSIAO EAST ROAD  
TAIPEI,  
TAIWAN

EXAMINER
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NELSON, VIVIAN HSU

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/710,542

Applicant(s)

CHIU, MING-CHIEN

Examiner

Vivian Nelson

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
  - reference character “1” has been used to designate both the “substrate” in e.g. Fig 2 and the entire photomask box in Fig 3;
  - reference character “2” has been used to designate what appears to be the entire invention in Fig 1 and two different “lid” portions in Figs 2 and 4, respectively.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai et al. (US #6 678 075).

2. For claims 1 and 5, Tsai teaches a photomask box having a substrate 32 with fixing devices on two sides (Figs 4 and 5), each fixing device 41 and 42 having a holding element 46 and 48, respectively, for holding against a photomask 5, one side of the holding element having a plurality of limiting plates 43 and 48, a lid covering a top of the substrate (Fig 7) and the lid enclosing a containing space 33 for receiving the photomask (Fig 6); a positioning device 31, disposed at two sides at the bottom of the containing space (see again Fig 6), the positioning device comprising a base 32, one end of which comprises a bended fixed portion 41 connected to a bottom of the containing space and the other end of which is away from the fixed portion comprises a bended positioning portion 42 such that the photomask 5 can be positioned between the positioning portions 47 and 48 set at the two sides of the containing space 33. Additionally, Tsai shows one, or more than one, positioning devices set at the two sides of the containing space 33. The lid of the flatbed scanner is considered part of the invention in this case because the lid would need to be closed during the scanning process in order to achieve good resolution of the image on the slide.

3. Regarding claim 2, Tsai sets forth a fixed portion of the positioning device further having a positioning slot (Fig 6) embedded in a positioning axle 42 set at a bottom of the containing space.

4. For claim 3, the positioning portion of Tsai includes a positioning device with a guiding surface 32. The frame of Tsai, as treated above in claim 1, “regulates the motion or operation” of the photomask, or slide, when placed in the securing device.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. as applied to claim 1 above, and further in view of Fujimori et al. (US #2002/0038773).

5. Tsai teaches a slide positioning device for a flatbed scanner, where the slide(s) can be secured on all four sides in a frame of multiple apertures using two sets of securing clips and a set of support members and receiving grooves (see above). Fujimori teaches a wafer container box for holding a set of wafers or substrate plates (abstract). The container of Fujimori holds each individual wafer between a set of grooves 2 on either side of the interior of the box – see [0023]. Both Tsai and Fujimori discuss ways of handling and securing materials for a lithographic production process. Fujimori, however, instructs that the box and guide members can be manufactured out of rubber or plastic material – see [0057], [0066] and [0069]. It would have been obvious at the time of the invention to fabricate the positioning devices of Tsai using either the rubber or plastic materials of Fujimori in order to provide abrasion resistance against damaging the wafer or substrate pieces.

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***Allowable Subject Matter***

6. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

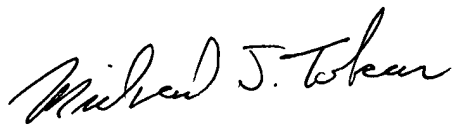
7. Claims 9-15 are allowed because the prior art does not show a connecting element for a spindle set within the photomask box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Nelson whose telephone number is 571.272.8552. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vhn

  
Michael Tokar  
Supervisory Patent Examiner  
Technology Center 2800